

REMARKS

Summary

Claims 1-16 were pending. Claims 1, 5-6, 8, 10, and 13-14 have been rewritten, Claims 2-4 and 15 cancelled, and Claims 17-31 added. No new matter has been added.

New Claim 17 incorporates the elements of Claims 1-3 and 10, while new Claim 24 incorporates the elements of Claims 1-3 and 13.

35 U.S.C. § 112 Rejection

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph. This rejection is traversed as Claim 15 has been cancelled.

Double Patenting Rejections

A. Rejection over U.S. Patent App. No. 10/675,435

Claims 1-14 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application 10/675,435. Applicants traverse the rejection as a terminal disclaimer has already been filed in copending Application 10/675,435, disclaiming the patent term of copending Application 10/675,435 and linking the instant application to copending Application 10/675,435.

B. Rejection over U.S. Patent App. No. 10/823,484 ("Saito") in view of JP 2000-163717 ("Kishi")

Claims 1 and 16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 17 and 26-38 of copending Application 10/823,484 (Saito) in view of Kishi (JP 2000-163717). This rejection is overcome in light of the amendment to Claim 1, which, inter alia, now incorporates the elements of Claims 2-4.

C. Rejection over Saito in view of Kishi and Lin (U.S. Patent 5,949,623) and

D. Rejection over U.S. Patent App. No. 10/925,268 (“Hasegawa ‘268”) in view and Kishi

Claims 2-12 and 14 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 17 and 26-38 of copending Application 10/823,484 (Saito) in view of Lin (U.S. Patent 5,949,623).

Claims 1-14 and 16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 and 40-62 of copending Application 10/925,268 (Hasegawa) in view of Kishi.

Applicants traverse the rejections on the grounds that provisional rejections are the only rejections remaining in the instant application. Applicants thus respectfully request that the Examiner withdraw the rejections and permit the instant application to issue as a patent.

E. Rejection over U.S. Patent No. 6,608,740 (“Tanaka”) in view of Kishi

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 14 and 15 of Tanaka (U.S. Patent No. 6,608,740) in view of Kishi [with reference to Fukuzawa (U.S. Patent Application 2002/0048690)]. This rejection is overcome in light of the amendment to Claim 1.

§ 103(a) Rejections

A. § 103(a) Rejection over Tanaka in view of Kishi

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Kishi [with reference to Fukuzawa]. This rejection is overcome in view of the amendment of Claim 1, which, inter alia, incorporates the elements of Claims 2-4.

B. § 103(a) Rejection over Tanaka in view of Kishi and U.S. Patent No. 5,949,623 (“Lin”)

Claims 2-3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Kishi and further in view of Lin. This rejection is overcome in view of the amendment of Claim 1 in a manner similar to that above.

C. § 103(a) Rejection over Tanaka in view of Kishi, Lin, U.S. Patent App. No. 2003/0179516 ("Freitag"), and U.S. Patent App. No. 2005/00424796 ("Tanahashi")

Claims 6-9 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Kishi and Lin, and further in view of Freitag and Tanahashi. This rejection is overcome in view of the amendment of Claim 1 in a manner similar to that above.

D. § 103(a) Rejection over Tanaka in view of Kishi in view of U.S. Patent No. 6,364,964 ("Sasaki")


Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Kishi, and further in view of Sasaki (U.S. Patent No. 6,364,964). This rejection is overcome in view of the amendment of Claim 1 in a manner similar to that above.

Applicants also submit that new independent Claims 17 and 24 (as well as the dependent claims depending therefrom) are patentable over the references cited by the Examiner for at least the same reasons.

Conclusion

Applicants respectfully submit that the application is in condition for allowance. The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AP Curtis', written over a horizontal line.

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